

AMENDED IN ASSEMBLY MAY 3, 2006

AMENDED IN ASSEMBLY FEBRUARY 21, 2006

AMENDED IN ASSEMBLY JUNE 2, 2005

SENATE BILL

No. 638

Introduced by Senator Torlakson
(Coauthors: Senators Alquist, Denham, Lowenthal, Romero,
Simitian, and Soto)

February 22, 2005

~~An act to amend Sections 8482.5, 8482.55, 8483.55, 8483.7, 8483.75, 8484, and 8484.8 of, and to repeal Sections 8482.5 and 8483.7 of, the Education Code, relating to before and after school programs, and making an appropriation therefor. An act to amend Sections 8421, 8422, 8423, 8425, 8426, 8427, 8428, 8482.3, 8482.55, 8483, 8483.1, 8483.2, 8483.3, 8483.55, 8483.75, 8484, and 8484.8 of, to add Sections 8421.5 and 8482.4 to, and to repeal and amend Sections 8482.5 and 8483.7 of, the Education Code, relating to before and after school programs, making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 638, as amended, Torlakson. ~~After School Education and Safety Program~~ *Before and after school programs.*

(1) Existing law, the 21st Century High School After School Safety and Enrichment for Teens program (ASSETs act), provides that the purpose of the program is to create incentives for establishing locally driven after school enrichment programs that partner schools and communities to provide academic support and safe, constructive alternatives for high school pupils in the hours after the regular schoolday. The ASSETS act, commencing with the 2006–07 fiscal

year, requires a program to comply with the State Department of Education's requirements for hours and days of program operation. Existing law requires an applicant for a grant to run a program pursuant to the ASSETs act to meet specified requirements.

This bill would provide that an additional purpose of the program is to assist pupils in passing the high school exit examination. The bill would require a program to operate for a minimum of 15 hours per week. The bill would revise the requirements that a grant applicant is required to meet.

The bill would require the department to provide notice to schools eligible for grants, as specified, and impose additional requirements on the department with respect to review of grant applications. The bill would require a specified committee to make recommendations to the department and the Legislature with respect to reporting requirements for high school programs operating pursuant to the ASSETs act, as specified. The bill would require the department to review the recommendations and present them to the State Board of Education, and would require the state board to adopt regulations for program evaluation and review, as specified.

(2) The ASSETs act imposes requirements for priority funding, and requires the department to consider specified criteria in awarding grants pursuant to the ASSETs act.

The bill would revise those priorities and criteria.

(3) The ASSETs act provides that a grantee that establishes a program pursuant to the ASSETs act is eligible to receive a five-year grant, subject to annual reporting and recertification as required by the department, for upfront payments of up to \$250,000 per year per program.

The bill, instead, would provide that a grantee that establishes a program is eligible for a five-year grant of up to \$250,000 per year per site in a program, subject to quarterly attendance reporting, as specified. The bill would impose additional requirements on the department and recipients, with respect to the grants.

(4) The ASSETs act requires a high school after school program established pursuant to the ASSETs act to submit to the department annual outcome-based data for evaluation, as specified.

The bill would revise and increase the data that is required.

(5) The bill would make additional, related changes to the ASSETs act.

(1)

(6) Existing law, the After School Education and Safety Program Act of 2002 (*existing act*), enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act provides a formula for determining an amount to be continuously appropriated from the General Fund to the State Department of Education for purposes of the program.

The existing act *imposes requirements on applicants for grants made pursuant to the existing act, with respect to their applications and the programs receiving grants pursuant to the applications.*

The bill would substantially revise those requirements.

The bill would require the department to review applications submitted pursuant to the existing act to determine whether specified requirements have been met, and would require the department to use specified formulas to determine the appropriate grant amount. The bill would impose requirements on the department with respect to timing of grants and grant notifications. The bill would require the department to provide notice to schools eligible for grants, as specified.

The bill would require a specified committee to submit to the department recommendations on reporting requirements, as specified, and would require the department to review the recommendations and present them to the state board, as specified. The bill would require the state board to adopt requirements for program evaluation and review, as specified.

(7) *The existing act requires that grants made to public schools under the program for the 2003–04 fiscal year continue to be funded in each subsequent fiscal year at the 2003–04 fiscal year level before any other grants are funded under the act, if those schools continue to make application for the grants and are otherwise qualified under the act. The existing act imposes grant maximums for after school programs, as specified.*

~~This bill, additionally, would require that give priority to recipients of grants made to public elementary, middle, and junior high schools during the 2006–07 grant year under a specified provision of existing law that the bill would modify, relating to community learning centers; for the 2002–03, 2003–04, and 2004–05 fiscal years, continue to be funded under the act in each subsequent fiscal year immediately following the expiration of the grant made under the specified~~

~~provision of law, at the same award level as the grant was funded under the specified provision of law for the 2004-05 fiscal year, before any grants are funded under certain provisions of the act, if the school applies for the grant and is otherwise qualified under the act, as specified. The bill would provide an exception to grant maximums, as specified, for a recipient of such a grant. The bill would increase grant maximums for after school programs, as specified.~~

(2)

(8) The existing act exempts the grants described in ~~(4)~~ (6) above from a requirement that priority for funding under the act be given to schools where a minimum of 50% of the pupils in elementary schools and 50% of the pupils in middle and junior high schools are eligible for free or reduced-cost meals through the school lunch program of the United States Department of Agriculture.

This bill would delete that exemption, *and would require programs that qualify for that priority funding to be funded based on the maximum grants authorized, as specified.*

(9) *The existing act requires a before school component of a program to begin at or before 6:00 a.m. or 2 hours before the beginning of a regular schoolday, but authorizes a program to operate less than 2 hours, but no less than 1 ½ hours, per regular schoolday. The existing act provides that a school is not eligible to receive funds for a pupil who attends less than ½ of the daily program hours.*

The bill would delete the requirement that a before school component of a program begin at or before 6:00 a.m. or 2 hours before the beginning of a regular schoolday. The bill, instead of providing for that ineligibility in (9) above, would prohibit a pupil who attends less than ½ of the daily program hours from being counted for the purposes of attendance. The bill would require a before school component of a program to offer a breakfast meal, as specified.

(10) *The existing act require a program electing to operate both a before and after school component of a program for the same pupils during specified periods to operate these programs for a minimum of 5 hours per day, as specified.*

The bill would reduce that amount of time to 4 ½ hours per day.

(11) *The existing act requires the department to consider specified criteria when selecting schools to participate in the program, as specified.*

The bill would modify those criteria.

(3)

(12) The existing act provides a formula for determining an amount to be continuously appropriated from the General Fund to the department for purposes of the program. The existing act allows the department to spend 1½% of the appropriated funds to cover evaluation costs, to provide training and support, and to pay its costs of awarding and monitoring grants.

This bill would require that the training and support provided by the department include, but not be limited to, the development and distribution of voluntary guidelines for physical activity programs, as specified. *The bill would require the department to order an independent statewide evaluation of the programs funded pursuant to the existing act to be prepared and submitted to the Legislature and the Governor, as specified.*

(4)

(13) The existing act requires that all funds remaining from the continuous appropriation after certain grants have been funded to be distributed as 3-year renewable incentive grants under certain provisions of existing law. *The existing act provides that a school that receives one of those grants is subject to annual reporting and recertification as required by the department.*

This bill would revise the funding formulas *and maximums* for the grants, *and provide that a school is subject to quarterly attendance, rather than annual, reporting and recertification once every 3 years as required by the department.*

The bill would authorize and require the department to reduce grant amounts for reasons related to attendance, as specified, and authorize the department to terminate the grant for a site or program that does not comply with specified reporting requirements, fails to demonstrate measurable program outcomes as specified, or has a specified attendance level. The bill would impose priority requirements for the grants and would revise matching fund requirements.

(14) *The existing act provides that a school with a certain before school program is eligible for a 3-year renewable grant, that is subject to annual reporting. The existing act provides that the school receiving the grant may choose one of 2 funding formulas for the grant.*

The bill would provide that a school is subject to quarterly attendance, rather than annual, reporting, and would revise the

funding formulas and maximums for the grants. The bill would revising matching fund requirements.

(15) The existing act requires programs to submit annual outcome-based data for evaluation, as specified.

The bill would modify and specify the data required to be submitted. The bill would require the department to order a statewide independent evaluation of the programs funded pursuant to the existing act to be prepared and submitted to the Legislature, as specified, and require the department to collect specified information.

~~(5)~~

(16) Existing law provides for the funding of specified community learning center programs.

This bill would revise the amounts required to be made available for those programs.

(17) The bill would make additional, related changes to the existing act.

~~(6)~~

(18) Because this bill would make money that is continuously appropriated specifically available for these new purposes, the bill would make an appropriation.

~~(7)~~

(19) The existing act authorizes the Legislature to amend certain of its provisions to further its purposes by majority vote of each house.

Certain other provisions of the existing act relating to funding priorities, as described in ~~(1)~~ (7) and ~~(2)~~ (8) above, may be amended by the Legislature only by a $\frac{2}{3}$ majority vote of each house and signed by the Governor if the amendment furthers the purposes of the act.

This bill would set forth a legislative finding and declaration that the proposed amendments further the purposes of the existing act.

*Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.*

The people of the State of California do enact as follows:

1 *SECTION 1. Section 8421 of the Education Code is amended*
2 *to read:*

3 8421. There is hereby established the 21st Century High
4 School After School Safety and Enrichment for Teens program.
5 The purpose of the program is to create incentives for
6 establishing locally driven after school enrichment programs that

1 partner schools and communities to provide academic support
2 and safe, constructive alternatives for high school pupils in the
3 hours after the regular schoolday, *and that may assist pupils in*
4 *passing the high school exit examination required for high school*
5 *graduation pursuant to Chapter 9 (commencing with Section*
6 *60850) of Part 33 for public school programs .*

7 (a) ~~A minimum of 10 high~~ High school after school programs
8 shall be established to serve pupils in grades 9 to 12, inclusive.

9 (b) A high school after school program established pursuant to
10 this article shall consist of the following two ~~components~~
11 *elements*:

12 (1) An academic assistance ~~component~~ *element* that shall
13 include, but need not be limited to, at least one of the following:
14 preparation for the high school exit examination, tutoring,
15 homework assistance, or college preparation, including
16 information about the Cal Grant Program established pursuant to
17 Article 3 (commencing with Section 69530) of Chapter 2 of Part
18 42. The assistance shall be aligned with the regular academic
19 programs of the pupils.

20 (2) An *educational* enrichment activities ~~component~~ *element*
21 that may include, but need not be limited to, community service,
22 career and technical education, job readiness, opportunities for
23 mentoring and tutoring younger pupils, service learning, arts,
24 computer and technology training, physical fitness, and
25 recreation activities.

26 (c) A program shall ~~comply with locally determined~~
27 ~~requirements related to hours and days of program operation~~
28 ~~through the 2005-06 fiscal year. Commencing with the 2006-07~~
29 ~~fiscal year and thereafter, a program shall comply with the~~
30 ~~requirements of the department related to the hours and days of~~
31 ~~program operation~~ *operate for a minimum of 15 hours per week.*

32 (d) An entity may operate programs on one or multiple sites. If
33 an entity plans to operate programs at multiple sites, only one
34 application is required.

35 (e) A program may operate on a schoolsite or on another site
36 approved by the department during the grant application process.
37 A program located off school grounds shall not be approved
38 unless both of the following criteria are met:

39 (1) Safe transportation is available to transport participating
40 pupils if necessary.

(2) The program is at least as available and accessible as similar programs conducted on schoolsites.

(f) Applicants for grants pursuant to this article shall ensure that all of the following requirements are fulfilled, if applicable:

(1) The application includes a description of the activities that will be available for pupils and lists the program hours.

(2) The application includes an estimate of the following:

(A) The number of pupils expected to attend the program on a regular basis.

(B) The average hours of attendance per pupil.

(C) The percentage of pupils expected to attend the program less than three days a week, three days a week, and more than three days a week, for each quarter or semester during the grant period.

(3) The application documents the commitments of each partner to operate a program at a location or locations that are safe and accessible to participating pupils.

(4) The application ~~demonstrates~~ *certifies* that pupils were involved in the design of the program and describes the extent of that involvement.

(5) The application identifies federal, state, and local programs that will be combined or coordinated with the high school after school program for the most effective use of public resources, and describes a plan for implementing the high school after school program beyond federal grant funding.

(6) ~~The applicant complies with all federal requirements in preparing and submitting the application, as described in the request for applications of the department. The application has been approved by the school district and the principal of each participating school for each schoolsite or other site.~~

(7) *The application includes a certification that the applicant has complied with the requirement in subdivision (b) of Section 8422.*

(8) *The application includes a certification that each applicant or partner in the application agrees to do all of the following:*

(A) *Assume responsibility for the quality of the program.*

(B) *Follow all fiscal reporting and auditing standards required by the department.*

(C) *Provide information to the department for the purpose of program evaluation pursuant to Section 8427.*

1 (D) Acknowledge that program evaluations will be based upon
2 the criteria in Section 8427.

3 (9) Certify that the applicant has complied with all federal
4 requirements in preparing and submitting the application.

5 (g) The department shall not establish minimum attendance
6 requirements for individual pupils.

7 (h) It is the intent of the Legislature, that to the extent possible,
8 the department require applicants to submit the information
9 required by this section in a short and concise manner.

10 SEC. 2. Section 8421.5 is added to the Education Code, to
11 read:

12 8421.5. (a) (1) The department shall provide notice to all
13 schools eligible for grants under this article of the availability of
14 those grants as well as the application process.

15 (2) The department shall make the application available
16 through its Internet Web site. The department shall periodically
17 review the applications for funding on dates determined by the
18 department.

19 (b) The department shall review all applications for their
20 inclusion of the requirements of subdivision (f) of Section 8421
21 and Section 8423.

22 (c) (1) The Advisory Committee on Before and After School
23 Programs shall make recommendations to the department on
24 reporting requirements for high school programs operating
25 pursuant to this article for program evaluation and review
26 consistent with Section 8427 on or before than March 1, 2007.

27 (2) The Advisory Committee on Before and After School
28 Programs shall provide the Legislature a copy of these
29 recommendations on or before than March 1, 2007.

30 (3) The department shall review those recommendations and
31 present them to the state board on or before May 1, 2007.

32 (4) The state board shall adopt requirements for program
33 evaluation and review on or before August 1, 2007.

34 SEC. 3. Section 8422 of the Education Code is amended to
35 read:

36 8422. (a) Priority for funding pursuant to this article shall be
37 given to programs that serve pupils who attend schools whose
38 scores:

(1) *Serve pupils attending a school whose most recent score on the Academic Performance Index are ranked ranks the school in the lowest three 3 deciles.*

(2) *Previously received funding pursuant to Section 8421, with expiring grants that have satisfactorily met their projected attendance goals and other measures as required by the department.*

(b) A program established pursuant to this article shall be planned through a collaborative process that includes parents, pupils, representatives of participating schools, governmental agencies, including city and county parks and recreation departments, community organizations, law enforcement, and, if appropriate, the private sector.

(c) A ~~high school after school~~ program established pursuant to this article is not required to charge family fees or to conduct individual eligibility determination based on need or income.

(d) A program established pursuant to this article shall have the option of operating ~~after~~ *under either of the following modes:*

(1) *After school only or after.*

(2) *After school and during any combination of; before school, weekends, summer, intersession, and vacation.*

SEC. 4. *Section 8423 of the Education Code is amended to read:*

8423. (a) ~~The State Department of Education~~ *department* shall select ~~a minimum of 10 programs~~ *grantees* to participate in the 21st Century High School After School Safety and Enrichment for Teens program from among applicants that apply on forms and in a manner prescribed by the department. To the extent possible, the selection of applicants by the department shall result in an equitable distribution of grant awards to applicants in northern, southern, and central California, and in urban, suburban, and rural areas of the state.

(b) ~~The State Department of Education~~ *department* shall consider the following criteria in awarding grants, ~~with primary emphasis given to the criteria described in paragraphs (1) to (9), inclusive:~~

(1) ~~Strength of the educational component~~ *element* and alignment with state academic standards, preparation for the high school exit ~~examination~~ *exam*, and other academic interventions.

(2) ~~Quality~~ *Strength* of the enrichment ~~component~~ *element*.

1 ~~(3) Strength of staff training and development component and~~
2 ~~degree to which staff training is integrated with training of~~
3 ~~regular schoolday staff.~~

4 ~~(4) Scope and strength of~~

5 ~~(3) Evidence of community~~ collaboration, including
6 demonstrated support of the principal and staff from participating
7 schools.

8 ~~(5) Completion of a needs assessment in which pupils express~~
9 ~~which activities or programs are most desired by them. The needs~~
10 ~~assessment shall be conducted with a representative group of~~
11 ~~pupils reflective of the ethnicity and academic standing of the~~
12 ~~student body of the school.~~

13 ~~(6) Scope and quality of actions taken to solicit input on~~
14 ~~program design from, and to assess the needs of, pupils~~
15 ~~considered at risk or in need of academic support.~~

16 ~~(7) Strength of plans~~

17 *(c) In awarding grants, the department shall certify that a*
18 *program will contain the following criteria:*

19 *(1) A needs assessment of pupils' preferences for program*
20 *activities, and a brief description on how these preferences will*
21 *be periodically reexamined in order to maintain strong pupil*
22 *interest in the program.*

23 *(2) Plans to attract pupils, particularly pupils considered at*
24 *risk or in need of academic support, on a regular basis.*

25 ~~(8)~~

26 *(3) Demonstrated capacity to administer a successful high*
27 *school after school program.*

28 ~~(9)~~

29 *(4) Availability of after school programs at elementary and*
30 *middle schools attended by pupils from participating schools for*
31 *purposes of continuity and linkages among programs.*

32 ~~(10)~~

33 *(5) Access to and availability of computers and technology.*

34 ~~(11)~~

35 *(6) Inclusion of a nutritional snack and a physical activity*
36 *element.*

37 ~~(12)~~

38 *(7) Capacity to respond to program evaluation requirements.*

39 ~~(13)~~

40 *(8) Demonstrated fiscal accountability.*

1 ~~(e) The State Department of Education shall develop reporting~~
2 ~~requirements and allocation procedures, including procedures to~~
3 ~~reimburse startup costs for programs established pursuant to this~~
4 ~~article.~~

5 *SEC. 5. Section 8425 of the Education Code is amended to*
6 *read:*

7 8425. ~~The State Department of Education~~ *department* shall
8 implement this program only to the extent that federal funds are
9 appropriated *by the Legislature* for purposes of the program. It is
10 the intent of the Legislature that available federal funds be
11 appropriated annually for the program established pursuant to
12 this article, through the annual Budget Act.

13 (a) Of the funds appropriated for the program in the first year,
14 two hundred fifty thousand dollars (\$250,000) shall be allocated
15 to the ~~State Department of Education~~ *department* to conduct a
16 three-year evaluation of the programs established pursuant to this
17 article and to make recommendations for future program
18 expansion. *The recommendations shall be provided to the state*
19 *board and the Legislature on or before July 1, 2007.*

20 (b) ~~The State Department of Education~~ *department* may spend
21 up to 3 percent of the funds appropriated for purposes of this
22 article to provide training by qualified and experienced
23 personnel, to convene regular meetings among grantees, and to
24 ensure quality program implementation and sustainability,
25 including unscheduled site visits.

26 *SEC. 6. Section 8426 of the Education Code is amended to*
27 *read:*

28 8426. (a) (1) A grantee that establishes a program pursuant
29 to this chapter is eligible to receive a five-year grant, ~~subject to~~
30 ~~annual reporting and recertification as required by the State~~
31 ~~Department of Education, for upfront payments~~ of up to two
32 hundred fifty thousand dollars (\$250,000) per year per *site in a*
33 *program, subject to quarterly attendance reporting. Funding for*
34 *a grant shall be allocated in annual increments for a period of*
35 *not more than five years, contingent upon the availability and*
36 *appropriation of federal funds by the Legislature for those*
37 *grants.*

38 (2) *The department shall notify new grantees of their award*
39 *status and dollar amount of the award, if any, in writing on or*
40 *before May 15 of each year in which new grants are awarded.*

1 (3) A first year grant award shall be made no later than 60
2 days after enactment of the annual Budget Act and any
3 authorizing legislation. A grant award for the second and
4 subsequent fiscal years shall be made no later than 30 days after
5 enactment of the annual Budget Act and any authorizing
6 legislation.

7 (b) (1) Not more than 15 percent of each annual grant amount
8 may be used by a grantee for administrative costs. For purposes
9 of this article, administrative costs shall include indirect costs.
10 Indirect costs shall not exceed the lesser of the following:

11 (A) The grantee's indirect cost rate, as approved by the
12 department for the appropriate fiscal year.

13 (B) Five percent of the state program funding received
14 pursuant to this article.

15 (2) In addition to the funding allowed for administrative costs
16 pursuant to paragraph (1), up to 15 percent of the first year's
17 annual grant award for each core grant recipient may be utilized
18 for startup costs.

19 (3) Funding made available pursuant to this subdivision shall
20 not result in an increase in the total funding of a grantee above
21 the approved grant amount.

22 (c) Grantees are subject to quarterly attendance reporting
23 during each year of the grant.

24 (1) If actual pupil attendance is significantly below the
25 proposed levels in any year of the grant, the department shall
26 provide technical support for development of a program
27 improvement plan for the grantee. If the actual attendance falls
28 below 75 percent of the proposed attendance level at the end of
29 the second year of the grant, the department may reduce funding
30 for the grantee.

31 (2) The department shall adjust the grant level of any school
32 in the program that is under its proposed attendance level by
33 more than 15 percent in each of two consecutive years.

34 (3) In any year that the actual attendance level of a school
35 within the program falls below 75 percent of the proposed
36 attendance level, the department shall perform a review of the
37 program and may adjust the grant level as the department deems
38 appropriate.

39 (d) Notwithstanding any other provision of this section or any
40 other provision of law, the department may at any time terminate

1 *the grant of a school in a public school program that fails in*
2 *three consecutive years to meet either of the following*
3 *requirements:*

4 *(1) Demonstrate program outcomes pursuant to Section 8427.*

5 *(2) Attain its proposed attendance levels.*

6 *(e) The department shall create a process to allow a grantee*
7 *to voluntarily lower its annual grant amount if one or more sites*
8 *are unable to meet the proposed pupil attendance levels by the*
9 *end of the second year of the grant.*

10 ~~(f)~~

11 *(f) (1) The administrator of a program may supplement, but*
12 *not supplant, existing funding for after school programs with*
13 *grant funds awarded pursuant to this article.*

14 ~~(2) Up to 15 percent of the initial year's grant amount for each~~
15 ~~grant recipient may be utilized for startup costs. Under no~~
16 ~~circumstance may funding for startup costs result in an increase~~
17 ~~in the grant recipient's total funding above the approved grant~~
18 ~~amount.~~

19 ~~(3) A program participant may expend on indirect costs no~~
20 ~~more than the lesser of the following:~~

21 ~~(A) The school district's indirect cost rate, as approved by the~~
22 ~~State Department of Education for the appropriate fiscal year.~~

23 ~~(B) Five percent of the state program funding received~~
24 ~~pursuant to this article.~~

25 ~~(4) A program participant may expend no more than 15~~
26 ~~percent of its grant award on administrative costs. For purposes~~
27 ~~of this section, administrative costs shall include indirect costs, as~~
28 ~~described in paragraph (3).~~

29 ~~(5)~~

30 *(2) In addition to administrative costs, a program participant*
31 *may expend up to the greater of 6 percent of its state funding or*
32 *seven thousand five hundred dollars (\$7,500) to collect outcome*
33 *data for evaluation and for reports to the State Department of*
34 *Education.*

35 ~~(6)~~

36 *(3) All state funding awarded to a program pursuant to this*
37 *article that remains after subtracting the administrative costs,*
38 *start up costs, and outcome data costs authorized by paragraphs*
39 ~~*(5) and (6) subdivisions (b) and (c) shall be allocated to the*~~
40 *program site for direct services to pupils.*

(b)

(e) When determining recertification after each grant year, the ~~State Department of Education~~ department may consider whether a program is operating consistent with the terms of its application, including whether the number of pupils served on a regular basis is consistent with the number estimated, and may consider the strength of any justifications or future plans offered by the program to address inconsistencies with the terms of the application. If the ~~State Department of Education~~ department finds that a program is not operating consistent with the terms of its application, the department may take appropriate action, including denying recertification or reducing the level of grant funding.

SEC. 7. Section 8427 of the Education Code is amended to read:

8427. (a) A high school after school program established pursuant to this article shall submit to the ~~State Department of Education~~ department annual outcome-based data for evaluation, including research-based indicators of program quality and ~~outcome measures~~ *measurable student outcomes* including, but not limited to, academic performance, ~~performance on the high school exit examination, graduation rates to the extent possible,~~ school attendance, ~~and positive behavioral changes, and, to the extent possible, performance on the high school exit examination and graduation rates.~~

(b) (1) *All programs are subject to quarterly attendance reporting.* A program shall also submit annual regular schoolday attendance data results *for program participants* to the ~~State Department of Education to facilitate evaluation and compliance with the grant program requirements, as established by the~~ department.

(2) *To demonstrate program effectiveness based upon individual program focus, programs shall submit one or more of the following academic measures annually:*

(A) *Program participant passage rates on the high school exit examination and graduation rates, as applicable.*

(B) *Homework completion rates.*

(C) *Program participant test scores on the Standardized Testing and Reporting (STAR) test as applicable.*

(D) *Pupil or teacher reported academic progress.*

1 (3) *To demonstrate program effectiveness based upon*
2 *individual program focus, programs shall submit one or more of*
3 *the following youth resiliency measures annually.*

4 (A) *Positive behavioral changes, including, but not limited to,*
5 *participant suspension rates.*

6 (B) *California Healthy Kids Survey results.*

7 (C) *Pupil reported sense of safety and attitudes about school,*
8 *consistent with the federal annual performance reporting.*

9 (D) *Fitnessgram test results, as applicable.*

10 (4) *Programs shall submit information required through the*
11 *process outlined in subdivision (c) Section 8421.5.*

12 (5) *Programs shall select indicators and outcomes pursuant to*
13 *this subdivision at the beginning of the grant period and shall*
14 *submit information on the same selected indicators and outcomes*
15 *annually for three consecutive years to support program*
16 *evaluation by the department. At the department's discretion,*
17 *programs may request to submit different or additional*
18 *indicators and outcomes after three consecutive years.*

19 (c) *A program also shall report all of the following, at a*
20 *minimum, three times annually:*

21 (1) *The number of pupils served on a regular basis and the*
22 *extent of pupil participation.*

23 (2) *The average hours of attendance per pupil.*

24 (3) *The percentage of pupils that attend the program less than*
25 *three days a week, three days a week, and more than three days a*
26 *week.*

27 (4) *The extent to which the program attracts pupils considered*
28 *at risk or in need of academic support.*

29 (d) (1) *If a program consistently fails to demonstrate*
30 *measurable program outcomes for three consecutive years, the*
31 *department may terminate the program pursuant to the process*
32 *in subdivision (e) of Section 8426.*

33 (2) *For the purposes of this subdivision, "consistently fails to*
34 *demonstrate measurable program outcomes" means failure to*
35 *meet program effectiveness requirements pursuant to the criteria*
36 *in paragraphs (2) and (3) of subdivision (b).*

37 (3) *Measurable program outcomes may be demonstrated by*
38 *the following methods:*

39 (A) *Comparing pupils participating in the program to*
40 *non-participating pupils at the same schoolsite.*

1 (B) Pupils participating in the program demonstrate
2 improvement on one or more indicators collected by the program
3 pursuant to this section.

4 (e) The department shall develop and disseminate
5 standardized tools to collect the indicators in paragraphs (2) and
6 (3) of subdivision (b).

7 SEC. 8. Section 8428 of the Education Code is amended to
8 read:

9 ~~8428. (a) The State Department of Education~~ department
10 shall order an independent statewide evaluation of the ~~program~~
11 ~~effectiveness of programs~~ funded pursuant to this article to be
12 prepared and submitted to the Legislature. The evaluation shall
13 include a comparison of outcomes for participating pupils and
14 similarly situated pupils who did not participate in a program. ~~An~~
15 ~~interim evaluation shall be submitted to the Legislature 180 days~~
16 ~~after the completion of the second year of the program, and a~~
17 ~~final evaluation shall be submitted 180 days after the completion~~
18 ~~of the third year of the program. In selecting an independent~~
19 ~~contractor for this evaluation, the department shall consult the~~
20 ~~evaluation committee created pursuant to subdivision (e) of~~
21 ~~Section 8484. A report shall be submitted to the Governor and~~
22 ~~the Legislature on or before October 1, 2011, providing data that~~
23 ~~includes, but is not limited to, all of the following:~~

24 (1) Data collected pursuant to Section 8427.

25 (2) Data adopted through the process outlined in subdivision
26 (c) of Section 8421.5 and subdivision (e) of Section 8484.

27 (3) Number and type of sites and grantees participating in the
28 program.

29 (4) Pupil program attendance, as reported quarterly, and
30 pupil schoolday attendance, as reported annually.

31 (5) Pupil program participation rates.

32 (6) Quality of the program, drawing on the research of the
33 Academy of Sciences on critical features of programs that
34 support healthy youth development.

35 SEC. 9. Section 8482.3 of the Education Code is amended to
36 read:

37 8482.3. (a) The After School Education and Safety Program
38 shall be established to serve pupils in kindergarten and grades 1
39 to 9, inclusive, at participating public elementary, middle, junior
40 high, and charter schools.

(b) A program may operate a before school component of a program, an after school component, or both the before and after school components of a program, on one or multiple schoolsites. If a program operates at multiple schoolsites, only one application shall be required for its establishment.

(c) Each component of a program established pursuant to this article shall consist of the following two ~~components~~ *elements*:

(1) An educational and literacy component ~~whereby~~ *element in which* tutoring or homework assistance is provided in one or more of the following areas: language arts, mathematics, history and social science, computer training, or science.

(2) ~~A component whereby~~ *An educational enrichment element, which that* may include, but need not be limited to, fine arts, career technical education, recreation, physical fitness, and prevention activities, ~~is provided. Notwithstanding any other provision of this article, the majority of the time of participation by a pupil who is in kindergarten or any of grades 1 to 8, inclusive, in a career technical education component of a program shall physically take place at a schoolsite described in subdivision (a).~~

(d) *Applicants shall agree that snacks made available through a program shall conform to the nutrition standards in Article 2.5 (commencing with Section 49430) of Chapter 9 of Part 27.*

~~(d)~~

(e) Applicants for programs established pursuant to this article may include any of the following:

(1) A ~~local education~~ *educational* agency, including, *but not limited to*, a charter school.

(2) A city, county, or nonprofit organization in partnership with, and with the approval of, a ~~local education~~ *educational* agency or agencies.

~~(e)~~

(f) Applicants for grants pursuant to this article shall ensure that each of the following requirements is fulfilled, if applicable:

(1) The application documents the commitments of each partner to operate a program on that site or sites.

(2) The application has been approved by the school district and the principal of each participating school for each schoolsite or other site.

1 (3) Each partner in the application agrees to share
2 responsibility for the quality of the program.

3 (4) The application designates the public agency or local
4 ~~education~~ *educational* agency partner to act as the fiscal agent.
5 For purposes of this section, “public agency” means only a
6 county board of supervisors or, ~~where~~ *if* the city is incorporated
7 or has a charter, a city council.

8 (5) Applicants agree to follow all fiscal reporting and auditing
9 standards required by the department.

10 (6) *Applicants agree to incorporate into the program both of*
11 *the elements required pursuant to subdivision (c).*

12 (7) *Applicants agree to provide information to the department*
13 *for the purpose of program evaluation pursuant to Section*
14 *8483.55.*

15 (8) *Applicants shall certify that program evaluations will be*
16 *based upon Section 8483.55 and upon any requirements*
17 *recommended by the Advisory Committee on Before and After*
18 *School Programs and adopted by the state board, in compliance*
19 *with Section 8421.5.*

20 (9) *The application states the targeted number of pupils to be*
21 *served by the program.*

22 (g) *Grantees shall be subject to a grant renewal process every*
23 *three-years. Grant awards shall be automatically renewed at the*
24 *same level, unless adjusted or terminated pursuant to Section*
25 *8426 or 8483.7, or discontinued or reduced upon the request of*
26 *the grantee.*

27 SEC. 10. *Section 8482.4 is added to the Education Code, to*
28 *read:*

29 8482.4. (a) *The department shall review applications*
30 *submitted under this article to determine whether the applicable*
31 *requirements in subdivision (f) of Section 8482.3 have been*
32 *fulfilled.*

33 (b) *The department shall use the per-pupil formulas*
34 *established pursuant to subparagraph (C) of paragraph (1) of*
35 *subdivision (a) of Section 8483.7 and the targeted number of*
36 *pupils to be served, as established pursuant to paragraph (9) of*
37 *subdivision (f) of Section 8482.3, to determine the appropriate*
38 *grant amount.*

39 (c) *A grantee that establishes a program pursuant to this*
40 *chapter is eligible to receive a three-year renewable grant*

1 *subject to quarterly reporting. Funding for a grant shall be*
2 *allocated in annual increments for a period of not more than*
3 *three years, contingent upon the availability of funds for those*
4 *grants pursuant to Section 8483.5.*

5 *(d) The department shall notify new grantees of their award*
6 *status and dollar amount of the award, if any, in writing on or*
7 *before June 15 of each year in which new grants are awarded.*

8 *(e) A first year grant award shall be made no later than 60*
9 *days after enactment of the annual Budget Act and any*
10 *authorizing legislation. A grant award for the second and*
11 *subsequent fiscal years shall be made no later than 30 days after*
12 *enactment of the annual Budget Act and any authorizing*
13 *legislation.*

14 *(f) The department shall allocate the first year grant amount*
15 *no later than 30 days after the grantee submits the grant award*
16 *acceptance letter to the department. For the second and*
17 *subsequent years of the grant, the department shall allocate the*
18 *annual grant amount for that year no later than 30 days after the*
19 *annual Budget Act becomes effective.*

20 *(g) The Advisory Committee on Before and After School*
21 *Programs shall make recommendations on reporting*
22 *requirements for program evaluation and review consistent with*
23 *subdivision (b) of Section 8483.55 to the department on or before*
24 *June 30, 2007. The department shall review the committee's*
25 *recommendations and present them, along with the department's*
26 *recommendations, to the state board on or before September 30,*
27 *2007. The state board shall adopt requirements for program*
28 *evaluation and review on or before November 30, 2007.*

29 *(h) (1) The department shall provide notice to all schools*
30 *eligible for grants pursuant to this article regarding the*
31 *availability of those grants and the application process.*

32 *(2) The department shall make the application available*
33 *though its Internet Web site. The department shall determine the*
34 *dates by which applications will be periodically considered for*
35 *funding.*

36 *SEC. 11. Section 8482.5 of the Education Code, as amended*
37 *by Section 2.6 of Chapter 320 of the Statutes of 1998, is repealed.*

38 ~~8482.5.—(a) Priority for funding programs established~~
39 ~~pursuant to this article shall be given to schools where a~~
40 ~~minimum of 50 percent of the pupils in elementary schools and~~

1 50 percent of the pupils in middle and junior high schools are
2 eligible for free or reduced-cost meals through the school lunch
3 program of the United States Department of Agriculture.

4 (b) Every program established pursuant to this article shall be
5 planned through a collaborative process that includes parents,
6 youth, and representatives of participating schoolsites,
7 governmental agencies, such as city and county parks and
8 recreation departments, community organizations, and the private
9 sector.

10 *SEC. 12. Section 8482.5 of the Education Code, as amended*
11 *by Section 2.5 of Chapter 320 of the Statutes of 1998, is repealed.*

12 8482.5. (a) Priority for funding programs established
13 pursuant to this article shall be given to schools where a
14 minimum of 50 percent of the pupils in elementary schools and
15 50 percent of the pupils in middle and junior high schools are
16 eligible for free or reduced-cost meals through the school lunch
17 program of the United States Department of Agriculture.

18 (b) Every program established pursuant to this article shall be
19 planned through a collaborative process that includes parents,
20 youth, and representatives of participating schoolsites,
21 governmental agencies, such as city and county parks and
22 recreation departments, community organizations, and the private
23 sector.

24 *SEC. 13. Section 8482.5 of the Education Code, as amended*
25 *by Section 7 of Proposition 49, is amended to read:*

26 8482.5. (a) *Priority Notwithstanding subdivision (c) of*
27 *Section 8482.55, priority for funding programs established*
28 *pursuant to this article, except those established pursuant to*
29 *subdivision (e) of Section 8482.55, shall be given to schools*
30 *where a minimum of 50 percent of the pupils in elementary*
31 *schools and 50 percent of the pupils in middle and junior high*
32 *schools are eligible for free or reduced-cost meals through the*
33 *school lunch program of the United States Department of*
34 *Agriculture. Programs that qualify for funding pursuant to this*
35 *subdivision shall be funded based on the maximum grants*
36 *authorized pursuant to Section 8483.7.*

37 (b) Every program established pursuant to this article shall be
38 planned through a collaborative process that includes parents,
39 youth, and representatives of participating public schools,
40 governmental agencies, such as city and county parks and

1 recreation departments, local law enforcement, community
2 organizations, and the private sector.

3 *SEC. 14. Section 8482.55 of the Education Code is amended*
4 *to read:*

5 8482.55. (a) To accomplish the purposes of the After School
6 Education and Safety Program, commencing with the fiscal year
7 beginning July 1, 2004, and for each fiscal year thereafter, all
8 grants made pursuant to this article shall be awarded as set forth
9 in this section.

10 (b) (1) Grants made to public schools pursuant to this article
11 for the 2003–04 fiscal year shall continue to be funded in each
12 subsequent fiscal year at the 2003–04 fiscal year level before any
13 other grants are funded under this article, provided—~~such~~ *those*
14 schools continue to make application for—~~such~~ *the* grants and are
15 otherwise qualified pursuant to this article. Receipt of a grant at
16 the 2003–04 fiscal year level made pursuant to this subdivision
17 shall not affect a school’s eligibility for additional grant funding
18 as permitted in subdivisions (c) and (d) up to the maximum
19 grants permitted in Sections 8483.7 and 8483.75.

20 (2) *A grantee funded pursuant to subdivision (d) of Section*
21 *8484.8 may apply for a grant pursuant to this article to fund a*
22 *program that is funded pursuant to Section 8484.8 during the*
23 *2006–2007 grant year. That application shall be funded before*
24 *any new grant is funded pursuant to this article, if the program is*
25 *otherwise qualified pursuant to this article. The grantee shall*
26 *receive the same amount of grant funding that it received*
27 *pursuant to Section 8484.8 in the fiscal year prior to the year for*
28 *which the applicant requests funding pursuant to this article.*
29 *Receipt of a grant pursuant to this paragraph does not affect a*
30 *school’s eligibility for additional grant funding as permitted in*
31 *subdivisions (c) and (d), up to the maximum grants permitted in*
32 *Sections 8483.7 and 8483.75.*

33 (3) (A) *Sites funded concurrently pursuant to subdivision (d)*
34 *of Sections 8484.8 and this article in the 2006–2007 grant year*
35 *are an exception to the grant maximums in Section 8483.7.*
36 *Maximums for sites that receive priority pursuant to both*
37 *paragraphs (1) and (2) shall be determined by the number of*
38 *pupils attending the concurrent program in the fiscal year prior*
39 *to the year for which the applicant requests funding for a*

1 *program pursuant to Section 8484.8 multiplied by per pupil*
2 *formulas pursuant to 8483.7.*

3 *(B) In order to qualify for priority pursuant to paragraph (2),*
4 *the grantee shall notify the department for funding pursuant to*
5 *paragraph (2) on or before a date established by the department*
6 *that is prior to the date by which the department awards new*
7 *grants pursuant to this article.*

8 ~~Every~~ *Each* public elementary, middle, and junior high
9 school in the state shall be eligible to receive a three year
10 renewable ~~incentive~~ *direct* grant for after school programs to be
11 operated during the regular school year, as provided in
12 subparagraph (A) of paragraph (1) of subdivision (a) of Section
13 8483.7. Except as provided in this subdivision, grants for after
14 school programs made pursuant to this subdivision shall be
15 subject to all other sections of this article. Grants for after school
16 programs made pursuant to this subdivision shall not exceed ~~fifty~~
17 ~~thousand dollars (\$50,000)~~ *seventy-five thousand dollars*
18 *(\$75,000)* for each regular school year for each elementary
19 school or ~~seventy-five thousand dollars (\$75,000)~~ *one hundred*
20 *twelve thousand dollars (\$112,000)* for each regular school year
21 for each middle or junior high school. ~~Notwithstanding~~
22 ~~subdivision (a) of Section 8482.5 and except~~ *Except* as provided
23 in subdivision (f) *and subdivision (a) of Section 8482.5, every*
24 *each* public elementary, middle, and junior high school in the
25 state shall have equal priority of funding for grants for after
26 school programs made pursuant to this subdivision. Receipt of a
27 grant for an after school program made pursuant to this
28 subdivision shall not affect a school's eligibility for additional
29 grant funding as permitted in subdivision (d) up to the maximum
30 grants permitted in Sections 8483.7 and 8483.75. Grants made
31 pursuant to this subdivision shall be funded after grants made
32 pursuant to subdivision (b) and before any grants made pursuant
33 to subdivision (d). Grants made pursuant to this subdivision shall
34 be referred to as "After School Education and Safety Universal
35 Grants."

36 (d) All funds remaining from the appropriation provided in
37 Section 8483.5 after award of grants pursuant to subdivisions (b)
38 and (c) shall be distributed pursuant to Sections 8483.7 and
39 8483.75. Grants for programs made pursuant to this subdivision
40 shall be subject to all other sections of this article. Priority for

1 grants for programs made pursuant to this subdivision shall be
2 established pursuant to subdivision (a) of Section 8482.5 and
3 Section 8483.3.

4 (e) ~~No~~A school shall *not* receive grants in excess of the
5 amounts provided in Sections 8483.7 and 8483.75.

6 (f) ~~In the event that~~ *If* in any fiscal year the appropriation made
7 pursuant to Section 8483.5 ~~shall be~~ *is* insufficient to fund all
8 eligible schools who ~~make~~ *submit an eligible* application for
9 After School Education and Safety Universal Grants pursuant to
10 subdivision (c), priority for After School Education and Safety
11 Universal Grants shall be established pursuant to subdivision (a)
12 of Section 8482.5 and Section 8483.3.

13 *SEC. 15. Section 8483 of the Education Code is amended to*
14 *read:*

15 8483. (a) (1) Every after school component of a program
16 established pursuant to this article shall commence immediately
17 upon the conclusion of the regular schoolday, and operate a
18 minimum of 15 hours per week, and at least until 6 p.m. on every
19 regular schoolday. Every after school component of the program
20 shall establish a policy regarding reasonable early daily release of
21 pupils from the program. For those programs or schoolsites
22 operating in a community where the early release policy does not
23 meet the unique needs of that community or school, or both,
24 documented evidence may be submitted to the department for an
25 exception and a request for approval of an alternative plan.

26 (2) It is the intent of the Legislature that elementary school
27 pupils participate in the full day of the program every day during
28 which pupils participate and that pupils in middle school or
29 junior high school attend a minimum of nine hours a week and
30 three days a week to accomplish program goals.

31 (3) In order to develop an age-appropriate after school
32 program for pupils in middle school or junior high school,
33 programs established pursuant to this article may implement a
34 flexible attendance schedule for those pupils. Priority for
35 enrollment of pupils in middle school or junior high school shall
36 be given to pupils who attend daily.

37 (b) The administrators of a program established pursuant to
38 this article have the option of operating during any combination
39 of summer, intersession, or vacation periods for a minimum of

1 three hours per day ~~at the approved rate~~ for the regular school
2 year pursuant to Section 8483.7.

3 *SEC. 16. Section 8483.1 of the Education Code is amended to*
4 *read:*

5 8483.1. (a) (1) Every before school program component
6 established pursuant to this article shall ~~commence operation at~~
7 ~~or before 6 a.m. on every regular schoolday or two hours before~~
8 ~~the commencement of the regular schoolday. A program may~~
9 ~~operate less than two hours per regular schoolday, but in no~~
10 ~~instance shall a program operate for less than one and one-half~~
11 ~~hours per regular schoolday. Every program shall establish a~~
12 ~~policy regarding reasonable late daily arrival of pupils to the~~
13 ~~program.~~

14 (2) (A) It is the intent of the Legislature that elementary
15 school pupils participate in the full day of the program every day
16 during which pupils participate and that pupils in middle school
17 or junior high school attend a minimum of six hours a week ~~and~~
18 ~~or three days a week to accomplish program goals, except when~~
19 ~~arriving late in accordance with the late arrival policy described~~
20 ~~in paragraph (1) or as reasonably necessary.~~

21 (B) ~~A school is not eligible to receive funds provided pursuant~~
22 ~~to this article for a pupil who attends less than one-half of the~~
23 ~~daily program hours. A pupil who attends less than one-half of~~
24 ~~the daily program hours shall not be counted for the purposes of~~
25 ~~attendance.~~

26 (3) In order to develop an age-appropriate before school
27 program for pupils in middle school or junior high school,
28 programs established pursuant to this article may implement a
29 flexible attendance schedule for those pupils. Priority for
30 enrollment of pupils in middle school or junior high school shall
31 be given to pupils who attend daily.

32 (b) The administrators of a before school program established
33 pursuant to this article shall have the option of operating during
34 any combination of summer, intersession, or vacation periods for
35 a minimum of two hours per day ~~at the approved rate~~ for the
36 regular school year pursuant to Section 8483.75.

37 (c) *Every before school program component established*
38 *pursuant to this article shall offer a breakfast meal as described*
39 *by Section 49553 for all program participants.*

1 *SEC. 17. Section 8483.2 of the Education Code is amended to*
2 *read:*

3 8483.2. Notwithstanding any other provision of this article,
4 any program electing to operate both a before and after school
5 component for the same pupils during summer, intersession, or
6 vacation periods must operate these programs a minimum of ~~five~~
7 *four and one-half* hours per day ~~to receive the approved rates for~~
8 ~~the regular school year pursuant to both Sections 8483.7 and~~
9 ~~8483.75.~~

10 *SEC. 18. Section 8483.3 of the Education Code, as amended*
11 *by Section 2 of Chapter 353 of the Statutes of 2005, is amended*
12 *to read:*

13 8483.3. (a) The department shall select applicants to
14 participate in the program established pursuant to this article
15 from among applicants that apply on forms and in a manner
16 prescribed by the department. *It is the intent of the Legislature*
17 *that the manner prescribed by the department, to the extent*
18 *possible, allow for short and concise applicant responses.* To the
19 extent possible, the selection of applicants by the department
20 shall result in an equitable distribution of grant awards pursuant
21 to Section 8483.7 to applicants in northern, southern, and central
22 California, and in urban, suburban, and rural areas of California.

23 (b) The department shall consider the following in selecting
24 schools to participate in, *and for recertification of,* the program
25 established pursuant to this article, ~~with primary emphasis given~~
26 ~~to items (1) through (5):~~

27 (1) Strength of the educational ~~component~~ *element.*

28 (2) Quality of the educational enrichment ~~component~~ *element.*

29 (3) Strength of staff training and development ~~component~~
30 ~~element.~~

31 ~~(4) Scope and strength of collaboration, including~~
32 ~~demonstrated support of the schoolsite principal and staff.~~

33 ~~(5)~~

34 (4) Capacity to facilitate better integration with the regular
35 school day and other extended learning opportunities. These
36 opportunities may include arts, career technical education,
37 recreation, computer use, and other activities to broaden the
38 pupil's learning experience. Notwithstanding any other provision
39 of this article, the majority of the time of participation by a pupil
40 who is in kindergarten or any of grades 1 to 8, inclusive, in a

1 career technical education component of a program shall
2 physically take place at a schoolsite described in subdivision (a)
3 of Section 8482.3.

4 (c) *The department shall certify that a program will contain*
5 *the following criteria in awarding grants:*

6 (1) *Community collaboration, including demonstrated support*
7 *of the schoolsite principal and staff.*

8 ~~(6)~~

9 (2) *Inclusion of a nutritional snack.*

10 ~~(7)~~

11 (3) *Employment of CalWORKs recipients.*

12 ~~(8)~~

13 (4) *Level and type of local matching funds.*

14 ~~(9)~~

15 (5) *Capacity to respond to program evaluation requirements.*

16 ~~(10)~~

17 (6) *Demonstrated fiscal accountability.*

18 (7) *Any other application requirements pursuant to this article.*

19 ~~(e) The department shall develop reporting requirements and~~
20 ~~allocation procedures, including procedures to reimburse startup~~
21 ~~costs for programs established pursuant to this article.~~

22 SEC. 19. *Section 8483.55 of the Education Code is amended*
23 *to read:*

24 8483.55. (a) *From the funds appropriated pursuant to*
25 *subdivision (b) of Section 8483.5, the State Department of*
26 *Education department may spend $1\frac{1}{2}$ one and one-half percent*
27 *to cover evaluation costs and to provide training and support to*
28 *ensure quality program implementation, development, and*
29 *sustainability and may pay its costs of awarding and monitoring*
30 *grants.*

31 (1) *Training and support shall include, but is not limited to,*
32 *the development and distribution of voluntary guidelines for*
33 *physical activity programs established pursuant to paragraph (2)*
34 *of subdivision (c) of Section 8482.3, that expand the learning*
35 *opportunities of the school day.*

36 (2) *The department shall distribute these voluntary guidelines*
37 *for physical activity programs on or before July 1, 2009.*

38 (b) *The department shall order an independent statewide*
39 *evaluation of the effectiveness of programs funded pursuant to*
40 *this article to be prepared and submitted to the Legislature. The*

1 *evaluation shall include a comparison of outcomes for*
2 *participating pupils and similarly situated pupils who did not*
3 *participate in a program. In selecting an independent contractor*
4 *for this evaluation, the department shall consult the evaluation*
5 *committee created pursuant to subdivision (e) of Section 8484. A*
6 *report shall be submitted to the Governor and the Legislature on*
7 *or before October 1, 2011, providing data that includes, but is*
8 *not limited to, all of the following:*

- 9 (1) *Data collected pursuant to Section 8484.*
- 10 (2) *Data adopted through the process outlined in subdivision*
11 *(c) of Sections 8421.5 and 8484.*
- 12 (3) *Number and type of sites and grantees participating in the*
13 *program.*
- 14 (4) *Pupil program attendance, as reported quarterly, and*
15 *pupil schoolday attendance, as reported annually.*
- 16 (5) *Pupil program participation rates.*
- 17 (6) *Quality of program drawing on the research of the*
18 *Academy of Sciences on critical features of programs that*
19 *support healthy youth development.*
- 20 (7) *The participation rates of local educational agencies.*
- 21 (8) *Local partnerships.*
- 22 (9) *The academic performance of participating pupils in*
23 *English language arts and mathematics, as measured by the*
24 *results of the Standardized Testing and Reporting (STAR)*
25 *Program established pursuant to Section 60640.*
- 26 (c) *A final report shall be submitted to the Governor and the*
27 *Legislature on or before October 1, 2011. The final report shall*
28 *include, but not be limited to, all of the following:*
- 29 (1) *Updated data on the measures specified in subdivision (b),*
30 *including, but not limited to, changes in those measures.*
- 31 (2) *The prevalence and frequency of activities included in*
32 *funded programs.*

33 *SEC. 20. Section 8483.7 of the Education Code, as added by*
34 *Section 2 of Chapter 318 of the Statutes of 1998, is repealed.*

35 ~~8483.7. (a) It is the intent of the Legislature that a minimum~~
36 ~~of fifty million dollars (\$50,000,000) be appropriated for the~~
37 ~~program established pursuant to this article, through the annual~~
38 ~~Budget Act. Of the funds appropriated for the program, 50~~
39 ~~percent shall be reserved for programs that operate at elementary~~
40 ~~schools and 50 percent shall be reserved for programs that~~

1 ~~operate at middle and junior high schools. If there are not a~~
2 ~~sufficient number of qualified applicants to use all of the funding~~
3 ~~in one category, the remaining funds may be used for qualified~~
4 ~~applicants in the other category.~~

5 ~~(b) (1) Every school that establishes a program pursuant to~~
6 ~~this article is eligible to receive a three year renewable incentive~~
7 ~~grant, subject to annual reporting and recertification as required~~
8 ~~by the State Department of Education, for up to five dollars (\$5)~~
9 ~~per day per pupil, with a maximum total grant amount of~~
10 ~~seventy-five thousand dollars (\$75,000) for each regular school~~
11 ~~year for each elementary school and one hundred thousand~~
12 ~~dollars (\$100,000) for each regular school year for each middle~~
13 ~~or junior high school.~~

14 ~~(2) For large schools, the maximum total grant amounts~~
15 ~~described in paragraph (1) may be increased based on the~~
16 ~~following formulas, up to a maximum amount of twice the~~
17 ~~respective limits specified in paragraph (1):~~

18 ~~(A) For elementary schools, multiply seventy-five dollars~~
19 ~~(\$75) by the number of pupils enrolled at the schoolsite for the~~
20 ~~normal schoolday program that exceeds 600.~~

21 ~~(B) For middle schools, multiply seventy-five dollars (\$75) by~~
22 ~~the number of pupils enrolled at the schoolsite for the normal~~
23 ~~schoolday program that exceeds 900.~~

24 ~~(3) A school that establishes a program pursuant to this article~~
25 ~~is eligible to receive a supplemental grant to operate the program~~
26 ~~during any combination of summer, intersession, or vacation~~
27 ~~periods for a maximum of the lesser of the following amounts:~~

28 ~~(A) Five dollars (\$5) per day per pupil.~~

29 ~~(B) Thirty percent of the total grant amount awarded to the~~
30 ~~school per school year pursuant to this subdivision.~~

31 ~~(4) Each program shall provide at least 50 percent cash or~~
32 ~~in-kind local matching funds from the school district,~~
33 ~~governmental agencies, community organizations, or the private~~
34 ~~sector for each dollar received in grant funds. Neither facilities~~
35 ~~nor space usage may fulfill the match requirement.~~

36 ~~(e) The administrator of a program established pursuant to this~~
37 ~~article may supplement, but not supplant existing funding for~~
38 ~~after school programs with grant funds awarded pursuant to this~~
39 ~~article. State categorical funds for remedial education activities~~

1 shall not be eligible as matching funds for those after school
2 programs.

3 (d) Up to 15 percent of the initial year's grant amount for each
4 grant recipient may be utilized for startup costs. Under no
5 circumstance shall funding for startup costs result in an increase
6 in the grant recipient's total funding above the approved grant
7 amount.

8 *SEC. 21. Section 8483.7 of the Education Code, as added by*
9 *Section 2 of Chapter 319 of the Statutes of 1998, is repealed.*

10 8483.7. (a) It is the intent of the Legislature that a minimum
11 of fifty million dollars (\$50,000,000) be appropriated for the
12 program established pursuant to this article, through the annual
13 Budget Act. Of the funds appropriated for the program, 50
14 percent shall be reserved for programs that operate at elementary
15 schools and 50 percent shall be reserved for programs that
16 operate at middle and junior high schools. If there are not a
17 sufficient number of qualified applicants to use all of the funding
18 in one category, the remaining funds may be used for qualified
19 applicants in the other category.

20 (b) (1) Every school that establishes a program pursuant to
21 this article is eligible to receive a three-year renewable incentive
22 grant, subject to annual reporting and recertification as required
23 by the State Department of Education, for up to five dollars (\$5)
24 per day per pupil, with a maximum total grant amount of
25 seventy-five thousand dollars (\$75,000) for each regular school
26 year for each elementary school and one hundred thousand
27 dollars (\$100,000) for each regular school year for each middle
28 or junior high school.

29 (2) For large schools, the maximum total grant amounts
30 described in paragraph (1) may be increased based on the
31 following formulas, up to a maximum amount of twice the
32 respective limits specified in paragraph (1):

33 (A) For elementary schools, multiply seventy-five dollars
34 (\$75) by the number of pupils enrolled at the schoolsite for the
35 normal schoolday program that exceeds 600.

36 (B) For middle schools, multiply seventy-five dollars (\$75) by
37 the number of pupils enrolled at the schoolsite for the normal
38 schoolday program that exceeds 900.

39 (3) A school that establishes a program pursuant to this article
40 is eligible to receive a supplemental grant to operate the program

1 during any combination of summer, intersession, or vacation
2 periods for a maximum of the lesser of the following amounts:

3 (A) Five dollars (\$5) per day per pupil.

4 (B) Thirty percent of the total grant amount awarded to the
5 school per school year pursuant to this subdivision.

6 (4) Each program shall provide at least 50 percent cash or
7 in-kind local matching funds from the school district,
8 governmental agencies, community organizations, or the private
9 sector for each dollar received in grant funds. Neither facilities
10 nor space usage may fulfill the match requirement.

11 (e) The administrator of a program established pursuant to this
12 article may supplement, but not supplant existing funding for
13 after school programs with grant funds awarded pursuant to this
14 article. State categorical funds for remedial education activities
15 shall not be eligible as matching funds for those after school
16 programs.

17 (d) Up to 15 percent of the initial year's grant amount for each
18 grant recipient may be utilized for startup costs. Under no
19 circumstance shall funding for startup costs result in an increase
20 in the grant recipient's total funding above the approved grant
21 amount.

22 *SEC. 22. Section 8483.7 of the Education Code, as amended*
23 *by Section 4 of Chapter 553 of the Statutes of 2005, is amended*
24 *to read:*

25 8483.7. (a) (1) (A) ~~Every~~ *Each* school that establishes a
26 program pursuant to this article is eligible to receive a three-year
27 renewable ~~incentive~~ *direct* grant, that shall be awarded in three
28 one-year increments and is subject to ~~annual~~ *quarterly*
29 *attendance* reporting and recertification *once every three years* as
30 required by the department, ~~for either of the following, as~~
31 ~~selected by the school.~~

32 (i) Up to five dollars (\$5) per day per pupil, if the program
33 serves pupils in elementary, middle, or junior high school.

34 (ii) Five dollars (\$5) per pupil for each three hours of pupil
35 attendance, with a maximum total reimbursement of twenty-five
36 dollars (\$25) per pupil per week, if the program serves pupils in
37 middle or junior high school. To receive reimbursement pursuant
38 to this subparagraph, the program administrator shall apply to
39 and receive approval annually from the Superintendent. Approval
40 by the Superintendent shall be based on program results.

1 (i) Grantees are subject to quarterly attendance reporting and
2 recertification once every three years as required by the
3 department. If actual pupil attendance falls below 75 percent of
4 the target attendance level in any year of the grant, the
5 department shall provide technical support for development of a
6 program improvement plan for the grantee. If the actual
7 attendance is significantly below proposed attendance at the end
8 of the second year of the grant, the department may reduce
9 funding for the grantee.

10 (ii) The department shall adjust the grant level of any school
11 within the program that is under its targeted attendance level by
12 more than 15 percent in each of two consecutive years.

13 (iii) In any year after the initial grant year, if the actual
14 attendance level of a school within the program falls below 75
15 percent of the target attendance level, the department shall
16 perform a review of the program and adjust the grant level as the
17 department deems appropriate.

18 (iv) The department shall create a process to allow a grantee
19 to voluntarily lower its annual grant amount if one or more sites
20 are unable to meet the proposed pupil attendance levels by the
21 end of the second year of the grant.

22 (v) A grantee who has had its grant amount reduced may
23 subsequently request an increase in funding pursuant to
24 paragraph (3).

25 (vi) The department may terminate the grant of any site or
26 program that does not comply with fiscal reporting, attendance
27 reporting, or outcomes reporting requirements established by the
28 department and pursuant to Section 8484. The department may
29 withhold the grant allocation for a program or site if the prior
30 grant year's fiscal or attendance reporting remain outstanding,
31 until the reports have been filed with the department.

32 (vii) Notwithstanding any other provision of this subdivision
33 or any other provision of law, the department may at any time
34 terminate the grant of any school in a program that consistently
35 fails to demonstrate measurable program outcomes pursuant to
36 Section 8484. The department may at any time terminate the
37 grant of any school within a program that has an actual
38 attendance level below 75 percent of the target attendance level
39 for three consecutive years.

1 (B) Direct grants may be awarded to applicants that have
2 demonstrated readiness to begin operation of a program or to
3 expand existing programs.

4 ~~(B)~~

5 (C) The maximum total direct grant amount awarded annually
6 pursuant to this paragraph for programs eligible pursuant to
7 subdivision (a) of Section 8482.5 and subdivision (b) of Section
8 8482.3 shall be ~~seventy-five thousand dollars (\$75,000)~~ one
9 hundred twelve thousand five hundred dollars (\$112,500) for
10 each regular school year for each elementary school and ~~one~~
11 ~~hundred thousand dollars (\$100,000)~~ one hundred fifty thousand
12 dollars (\$150,000) for each regular school year for each middle
13 or junior high school. The superintendent shall determine the
14 total annual direct grant amount for which a site is eligible based
15 on a formula of seven dollars and fifty cents (\$7.50) per pupil per
16 day of pupil attendance that the program plans to serve, with a
17 maximum total grant of thirty-seven dollars and fifty cents
18 (\$37.50) per projected pupil per week, and a formula of seven
19 dollars and fifty cents (\$7.50) per projected pupil per day of staff
20 development, with a maximum of three staff development days
21 per year.

22 (2) For large schools, the maximum total grant amounts
23 described in paragraph (1) may be increased based on the
24 following formulas, up to a maximum amount of twice the
25 respective limits specified in paragraph (1):

26 (A) For elementary schools, multiply ~~seventy-five dollars~~
27 ~~(\$75)~~ one hundred thirteen dollars (\$113) by the number of
28 pupils enrolled at the schoolsite for the normal schoolday
29 program that exceeds 600.

30 (B) For middle schools, multiply ~~seventy-five dollars (\$75)~~
31 one hundred thirteen dollars (\$113) by the number of pupils
32 enrolled at the schoolsite for the normal schoolday program that
33 exceeds 900.

34 (3) The maximum total grant amounts set forth in
35 subparagraph ~~(B)~~ (C) of paragraph (1) ~~and in paragraph (2)~~ may
36 be increased from any funds made available for this purpose in
37 the annual Budget Act for participating schools that have pupils
38 on waiting lists for the program. Grants may be increased by the
39 lesser of an amount that is either 25 percent of the current
40 maximum total grant amount or equal to the proportion of pupils

1 unserved by the program as measured by documented waiting
2 lists as of January 1, ~~2001~~ *of the previous grant year*, compared
3 to the actual after school enrollment on the same date. ~~Matching~~
4 ~~fund requirements~~ *The amount of the required cash or in-kind*
5 *matching funds shall be increased accordingly. First priority for*
6 *an increased maximum grant pursuant to this paragraph shall be*
7 *given to schools that qualify for funding pursuant to subdivision*
8 *(b) of Section 8482.55. Second priority shall be given to schools*
9 *that receive funding priority pursuant to subdivision (f) of*
10 *Section 8482.55.*

11 (4) A school that establishes a program pursuant to this article
12 is eligible to receive a supplemental grant to operate the program
13 during any combination of summer, intersession, or vacation
14 periods, ~~or during minimum days~~, for a maximum of ~~the lesser of~~
15 ~~the following amounts:~~ *30 percent of the total grant amount*
16 *awarded to the school per school year under this subdivision. A*
17 *year-round school program may apply for funds pursuant to this*
18 *subparagraph for intercession periods.*

19 ~~(A) Five dollars (\$5) per day per pupil.~~

20 ~~(B) Thirty percent of the total grant amount awarded to the~~
21 ~~school per school year pursuant to this subdivision.~~

22 (5) Each program shall provide ~~at least 50 percent~~ *an amount*
23 *of cash or in-kind local matching funds equal to not less than*
24 *one-third of the total grant* from the school district, governmental
25 agencies, community organizations, or the private sector ~~for each~~
26 ~~dollar received in grant funds. Neither facilities nor space usage~~
27 ~~may. Facilities or space usage may fulfill not more than 25~~
28 ~~percent of the match requirement required local contribution.~~

29 (6) (A) ~~The department may reimburse a program~~ *A grantee*
30 *for may allocate* up to 125 percent of the maximum total grant
31 amount for an individual school, so long as the maximum total
32 grant amount for all school programs administered by the
33 program grantee is not exceeded.

34 (B) In order to be eligible for ~~reimbursement~~ *renewal*, a
35 program grantee that transfers funds for purposes of
36 administering a program established pursuant to this article shall
37 have an established waiting list for enrollment, and may transfer
38 only from another school program that has met a minimum of 70
39 percent of its attendance goal.

1 (b) The administrator of a program established pursuant to this
2 article may supplement, but not supplant, existing funding for
3 after school programs with grant funds awarded pursuant to this
4 article. State categorical funds for remedial education activities
5 shall not be eligible as matching funds used to make the required
6 contribution of local funds for those after school programs.

7 (c) Up to 15 percent of the initial year's grant amount for each
8 grant recipient may be utilized for startup costs. Under no
9 circumstance shall funding for startup costs result in an increase
10 in the grant recipient's total funding above the approved grant
11 amount.

12 (d) For each year of the grant, the department shall award the
13 total grant amount for that year not later than 30 days after the
14 date the grantee accepts the grant.

15 SEC. 23. Section 8483.75 of the Education Code is amended
16 to read:

17 8483.75. (a) (1) (A) ~~Every~~ Each school that establishes a
18 before school program component pursuant to Section 8483.1 ~~of~~
19 ~~this article~~ is eligible to receive a three year renewable incentive
20 direct grant, that shall be awarded in three one-year increments
21 and is subject to ~~annual~~ quarterly attendance reporting and
22 recertification as required by the department, for either of the
23 following, as selected by the school. Those grants shall be
24 awarded by the Superintendent pursuant to this section.

25 (i) ~~Up to three dollars and thirty-three cents (\$3.33) per day~~
26 ~~per pupil for a two hour program, if the program serves pupils in~~
27 ~~elementary, middle, or junior high school. Per pupil~~
28 ~~reimbursement rates shall be reduced on a prorated basis for~~
29 ~~those programs which operate for less than two hours per regular~~
30 ~~school day. The rate shall be determined by multiplying 3.33 by~~
31 ~~the fraction represented by dividing the minutes of operation per~~
32 ~~day by 120.~~

33 (ii) ~~Three dollars and thirty-three cents (\$3.33) per pupil for~~
34 ~~each two hours of pupil attendance, with a maximum total~~
35 ~~reimbursement of sixteen dollars and sixty-five cents (\$16.65)~~
36 ~~per pupil per week, if the program serves pupils in middle or~~
37 ~~junior high school. To receive reimbursement pursuant to this~~
38 ~~subparagraph, the program administrator shall apply to and~~
39 ~~receive approval annually from the Superintendent. Approval by~~
40 ~~the Superintendent shall be based on program results.~~

(B) The maximum total grant amount awarded annually pursuant to this paragraph shall be ~~twenty-five thousand dollars (\$25,000)~~ *thirty-seven thousand five hundred dollars (\$37,500)* for each regular school year for each elementary school and ~~thirty-three thousand dollars (\$33,000)~~ *forty-nine thousand dollars (\$49,000)* for each regular school year for each middle or junior high school.

(C) *The Superintendent shall determine the total annual direct grant amount for which a site is eligible based on a formula of five dollars (\$5) per pupil per day that the program plans to serve, with a maximum total grant of twenty-five dollars (\$25) per projected pupil per week.*

(2) For large schools, the maximum total grant amounts described in paragraph (1) may be increased based on the following formulas, up to a maximum amount of twice the respective limits specified in paragraph (1):

(A) For elementary schools, multiply ~~fifty dollars (\$50)~~ *seventy-five dollars (\$75)* by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 600.

(B) For middle schools, multiply ~~fifty dollars (\$50)~~ *seventy-five dollars (\$75)* by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 900.

(3) A school that establishes a program pursuant to this article is eligible to receive a supplemental grant to operate the program during any combination of summer, intersession, or vacation periods for a maximum of ~~the lesser of the following amounts: 30 percent of the total grant amount awarded to the school per school year under this subdivision.~~

~~(A) Three dollars and thirty-three cents (\$3.33) per day per pupil.~~

~~(B) Thirty percent of the total grant amount awarded to the school per school year pursuant to this subdivision.~~

(4) Each program shall provide ~~at least 50 percent~~ *an amount of* cash or in-kind local ~~matching funds equal to not less than one-third of the total grant~~ from the school district, governmental agencies, community organizations, or the private sector ~~for each dollar received in grant funds. Neither facilities nor Facilities or space usage may fulfill not more than 25 percent of the match requirement required local contribution.~~

1 (5) (A) ~~The department may reimburse a program grantee for~~
2 *A grantee may allocate* up to 125 percent of the maximum total
3 grant amount for an individual school, so long as the maximum
4 total grant amount for all school programs administered by the
5 program grantee is not exceeded.

6 (B) In order to be eligible for ~~reimbursement~~ *renewal*, a
7 program grantee that transfers funds for purposes of
8 administering a program established pursuant to this article shall
9 have an established waiting list for enrollment, and may transfer
10 only from another school program that has met a minimum of 70
11 percent of its attendance goal.

12 (b) The administrator of a program established pursuant to this
13 article may supplement, but not supplant, existing funding for
14 before school programs with grant funds awarded pursuant to this
15 article. State categorical funds for remedial education activities
16 shall not be ~~eligible as matching funds used to make the required~~
17 *contribution of local funds* for those before school programs.

18 (c) Up to 15 percent of the initial year's grant amount for each
19 grant recipient may be utilized for startup costs. Under no
20 circumstance shall funding for startup costs result in an increase
21 in the grant recipient's total funding above the approved grant
22 amount.

23 (d) *For each year of the grant, the department shall award the*
24 *total grant amount for that year not later than 30 days after the*
25 *date the grantee accepts the grant.*

26 SEC. 24. *Section 8484 of the Education Code is amended to*
27 *read:*

28 8484. (a) As required by the ~~State Department of Education~~
29 *department*, programs established pursuant to this article shall
30 submit annual outcome based data for evaluation, including
31 ~~measures~~ *research-based indicators and measurable student*
32 *outcomes* for academic performance, attendance, and positive
33 behavioral changes. The ~~State Department of Education~~
34 *department* may consider these outcomes when determining
35 eligibility for grant renewal.

36 (1) *To demonstrate program effectiveness based upon*
37 *individual program focus, programs shall submit the school day*
38 *attendance for program participants to the department on an*
39 *annual basis, and one or more of the following academic*
40 *measures annually:*

- 1 (A) *Pupil Standardized Testing and Reporting (STAR) test*
2 *scores.*
- 3 (B) *Homework completion rates.*
- 4 (C) *Pupil or teacher reported academic progress.*
- 5 (2) *To demonstrate program effectiveness based upon*
6 *individual program focus, programs shall submit one or more of*
7 *the following youth resiliency measures annually:*
- 8 (A) *Positive behavioral changes, including, but not limited to,*
9 *participant suspension rates*
- 10 (B) *California Healthy Kids Survey results.*
- 11 (C) *Student reported sense of safety and attitudes about*
12 *school, consistent with the federal annual performance reporting.*
- 13 (D) *Fitnessgram test results.*
- 14 (3) *Programs shall submit information adopted through the*
15 *process outlined in subdivision (c) of Section 8421.5.*
- 16 (b) (1) *If a program consistently fails to demonstrate*
17 *measurable program outcomes for three consecutive years, the*
18 *department may terminate the program as described in*
19 *subdivision (e) of Section 8426. The department shall consider*
20 *multiple outcomes and not rely on one outcome in isolation.*
- 21 (2) *For the purposes of this section, “consistently fails to*
22 *demonstrate measurable program outcomes” means failure to*
23 *meet program effectiveness requirements pursuant to the criteria*
24 *in paragraphs (1) and (2) of subdivision (a).*
- 25 (3) *Measurable program outcomes may be demonstrated by,*
26 *but are not limited to, the following methods:*
- 27 (1) *Comparing pupils participating in the program to*
28 *nonparticipating pupils at the same schoolsite.*
- 29 (2) *Pupils participating in the program demonstrate*
30 *improvement on one or more indicators collected by the program*
31 *pursuant to this paragraph.*
- 32 (c) *The department shall develop standardized tools to collect*
33 *the indicators in paragraphs (1) and (2) of subdivision (a).*
- 34 (d) *The department shall order a statewide independent*
35 *evaluation of the programs funded pursuant to this article to be*
36 *prepared and submitted to the Legislature. The evaluation shall*
37 *include a comparison of outcomes for participating pupils and*
38 *similarly situated pupils who did not participate in a program.*
- 39 (e) *The department shall assemble an evaluation committee of*
40 *the Advisory Committee on Before and After School Programs*

1 established pursuant to Section 8484.9 to give input on the
2 design of a statewide independent evaluation funded pursuant to
3 this article. The evaluation committee shall also give input on the
4 evaluation's research design as submitted by the awarded
5 independent agency. The evaluation committee shall include
6 researchers and evaluators from in and outside of California
7 who have expertise in the evaluation of after school initiatives,
8 and members of the Advisory Committee on Before and After
9 School Programs.

10 (f) The department shall collect annual outcome-based data
11 for a statewide independent evaluation, including research-based
12 indicators of program quality and outcome measures, including,
13 but not limited to, academic performance, school attendance, and
14 positive behavioral changes. The department shall also collect
15 all of the following:

- 16 (1) Data collected pursuant to subdivision (a).
- 17 (2) Data adopted through the process outlined in subdivision
18 (c) of this section and of Section 8421.5.
- 19 (3) Number and type of sites and grantees participating in the
20 program
- 21 (4) Local partnerships.
- 22 (5) Student participation rates.
- 23 (6) Quality of program drawing on the research of the
24 Academy of Sciences on critical features of programs that
25 support healthy youth development.

26 SEC. 25. Section 8484.8 of the Education Code is amended to
27 read:

28 8484.8. In accordance with Part B of Title IV of the federal
29 No Child Left Behind Act of 2001 (P.L. 107-110), funds
30 appropriated in Item 6110-197-0890 of Section 2.00 of the
31 Budget Act of 2002 are available for expenditure as follows, with
32 any subsequent allocations for these purposes to be determined in
33 the annual Budget Act:

34 (a) ~~The amount of one million dollars (\$1,000,000)~~ Up to 1.5
35 percent shall be available to the department for purposes of
36 providing technical assistance, evaluation and training services,
37 for carrying out programs related to 21st Century Community
38 Learning Center programs.

39 (b) (1) An amount of up to ~~three million five hundred~~
40 ~~thousand dollars (\$3,500,000)~~ 10 percent of the total amount

1 *appropriated pursuant to this article shall be available for direct*
2 *grants, in an amount not to exceed twenty-five thousand dollars*
3 *(\$25,000) per site, per year, for community learning center*
4 *programs that serve middle and elementary school pupils for*
5 *providing equitable access to, and participation in, community*
6 *learning center programs, according to needs determined by the*
7 *local community, for either of the following purposes:*

8 *(A) Grants to provide equitable access and participation in*
9 *community learning center programs, in an amount not to exceed*
10 *twenty-five thousand dollars (\$25,000) per site, per year,*
11 *according to needs determined by the local community.*

12 *(B) Grants to provide family literacy services, in an amount*
13 *not to exceed twenty thousand dollars (\$20,000) per site, per*
14 *year, for schoolsites that identify such a need for families of 21st*
15 *Century Community Learning Center program pupils, and that*
16 *demonstrate a fiscal hardship by certifying that existing*
17 *resources, including, but not limited to, funding for Title III of*
18 *the federal No Child Left Behind Act of 2001, Chapter 3*
19 *(commencing with Section 300) of Part 1, adult education,*
20 *community college, and the federal Even Start Program are not*
21 *available or are insufficient to serve these families. An assurance*
22 *that the funds received pursuant to this subdivision are expended*
23 *only for those services and supports for which they were granted*
24 *shall be required.*

25 *(2) ~~The~~ For the purposes of subparagraph (A) of paragraph*
26 *(1), the department shall determine the requirements for*
27 *eligibility for a grant under this subdivision, consistent with the*
28 *following:*

29 *(A) Consistent with the local partnership approach inherent in*
30 *Article 22.5 (commencing with Section 8482), grants awarded*
31 *under this subdivision shall provide supplemental assistance to*
32 *programs. It is not intended that a grant fund the full anticipated*
33 *costs of the services provided by a community learning center*
34 *program.*

35 *(B) In determining the need for a grant pursuant to this*
36 *subdivision, the department shall base its determination on a*
37 *needs assessment and a determination that existing resources are*
38 *not available to meet these needs, including, but not limited to, a*
39 *description of how the needs, strengths, and resources of the*

1 community have been assessed, currently available resources,
2 and the justification for additional resources for that purpose.

3 (C) The department shall award grants for a specific purpose,
4 as justified by the applicant.

5 (3) To be eligible to receive a grant under this subdivision, the
6 designated public agency representative for the applicant shall
7 certify that an annual fiscal audit will be conducted and that
8 adequate, accurate records will be kept. In addition, each
9 applicant shall provide the department with the assurance that
10 funds received under this subdivision are expended only for those
11 services and supports for which they are granted. The department
12 shall require grant recipients to submit annual budget reports, and
13 the department may withhold funds in subsequent years if direct
14 grant funds are expended for purposes other than as awarded.

15 ~~(e) Up to one million dollars (\$1,000,000) shall be available~~
16 ~~for direct grants of up to twenty thousand dollars (\$20,000) per~~
17 ~~site, per year, for providing family literacy services only to those~~
18 ~~schoolsites that identify such a need for families of 21st Century~~
19 ~~Community Learning Center program pupils, and that~~
20 ~~demonstrate a fiscal hardship by certifying that existing resourcees~~
21 ~~including, but not limited to, funding for Title III of the No Child~~
22 ~~Left Behind Act of 2001, Chapter 3 (commencing with Section~~
23 ~~300) of Part 1, adult education, community college, and the~~
24 ~~federal Even Start Program are not available or are insufficient to~~
25 ~~serve these families. An assurance that the funds received under~~
26 ~~this subdivision are expended only for those services and~~
27 ~~supports for which they were granted shall be required.~~

28 *(c) The department shall require grant recipients to submit*
29 *annual budget reports, and the department may withhold funds in*
30 *subsequent years if literacy grant funds are expended for*
31 *purposes other than as granted.*

32 ~~(d) Of Up to 40 percent of the total amount appropriated~~
33 ~~pursuant to this article shall be allocated on a priority basis for~~
34 ~~direct grants to community learning centers serving high school~~
35 ~~pupils funded pursuant to Section 8421, and the remaining funds~~
36 ~~in Item 6110-197-0890 of Section 2.00 of the Budget Act of~~
37 ~~2002, two million five hundred thousand dollars (\$2,500,000)~~
38 ~~shall be allocated on a priority basis for grants to community~~
39 ~~learning center programs serving high school pupils, and the~~
40 ~~remainder of this amount shall be allocated on a priority basis for~~

1 programs for middle and elementary school pupils. *The*
2 *administrators of a program established pursuant to this article*
3 *have the option of operating during any combination of summer,*
4 *intersession, or vacation periods for a minimum of three hours*
5 *per day for the regular school year pursuant to Section 8483.7.*
6 *Grantees administering comprehensive programs established*
7 *pursuant to Section 8482.3 are also eligible for funding for*
8 *summer, intersession, or vacation periods pursuant to this*
9 *section.*

10 (e) Grant awards under this section shall be restricted to those
11 applications that propose primarily to serve pupils that attend
12 schoolwide programs, as described in Title I of the *federal* No
13 Child Left Behind Act of 2001. Competitive priority shall be
14 given to applications that propose to serve children and youth in
15 schools designated as being in need of improvement under
16 subsection (b) of Section 6316 of Title 20 of the United States
17 Code, and that are jointly submitted by school districts and
18 community-based organizations. Applications to serve pupils in
19 programs that have received grants under Article 22.5
20 (commencing with Section 8482) shall be funded only when
21 proposing to expand in additional sites or to add pupils to a
22 currently funded site.

23 (f) (1) Core funding grants for programs serving middle and
24 elementary school pupils in before and after school programs
25 shall be allocated ~~as follows: under subparagraph (C) of~~
26 ~~paragraph (1) of, and paragraphs (4), (5), and (6) of, subdivision~~
27 ~~(a) of Section 8483.7.~~

28 ~~(A) For after school programs, seven dollars and fifty cents~~
29 ~~(\$7.50) per pupil, per day, up to a maximum grant of one~~
30 ~~hundred twelve thousand five hundred dollars (\$112,500) for~~
31 ~~each regular school year for each elementary school, and one~~
32 ~~hundred fifty thousand dollars (\$150,000) for each regular school~~
33 ~~year for each middle or junior high school.~~

34 ~~(B) For before school programs, five dollars (\$5) per pupil, per~~
35 ~~day, up to a maximum grant of thirty-seven thousand five~~
36 ~~hundred dollars (\$37,500) for each regular school year for each~~
37 ~~elementary school, and forty-nine thousand dollars (\$49,000) for~~
38 ~~each regular school year for each middle or junior high school.~~

39 ~~(2) For an after school component of a program, the maximum~~
40 ~~total grant amount described in subparagraph (A) of paragraph~~

~~(1) may be increased up to a maximum amount of twice the respective limits specified in that subparagraph, in accordance with the following:~~

~~(A) For elementary schools, one hundred thirteen dollars (\$113) per pupil, only for each pupil that exceeds 600 pupils enrolled at the schoolsite for the normal schoolday program.~~

~~(B) For middle schools, one hundred thirteen dollars (\$113) per pupil, only for each pupil that exceeds 900 pupils enrolled at the schoolsite for the normal schoolday program.~~

~~(3) For a before school component of a program, the maximum total grant amount described in subparagraph (B) of paragraph (1) may be increased up to a maximum amount of twice the respective limits specified in that subparagraph, in accordance with the following:~~

~~(A) For elementary schools, seventy-five dollars (\$75) per pupil, only for each pupil that exceeds 600 pupils enrolled at the schoolsite for the normal schoolday program.~~

~~(B) For middle schools, seventy-five dollars (\$75) per pupil, only for each pupil that exceeds 900 pupils enrolled at the schoolsite for the normal schoolday program.~~

~~(4) A school that establishes an after school component of a program pursuant to this article is eligible to receive a supplemental grant to operate the program during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:~~

~~(A) Seven dollars and fifty cents (\$7.50) per day per pupil.~~

~~(B) Thirty percent of the total grant amount awarded to the school per school year pursuant to this subdivision.~~

~~(5) A school that establishes a before school component of a program pursuant to this article is eligible to receive a supplemental grant to operate the program during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:~~

~~(A) Five dollars (\$5) per day per pupil.~~

~~(B) Thirty percent of the total grant amount awarded to the school per school year pursuant to this subdivision.~~

~~(6) (A) The department may reimburse a program grantee for up to 125 percent of the maximum total grant amount for an individual school, so long as the maximum total grant amount for~~

1 all school programs administered by the program grantee is not
2 exceeded.

3 ~~(B) In order to be eligible for reimbursement, a program~~
4 ~~grantee that borrows funds for purposes of administering a~~
5 ~~program established pursuant to this article shall have an~~
6 ~~established waiting list for enrollment and may borrow only from~~
7 ~~another program grantee that has met a minimum of 70 percent~~
8 ~~of its attendance goal.~~

9 ~~(7)~~

10 (2) (A) Funding for a grant shall be allocated in annual
11 increments for a period not to exceed five years, *subject to*
12 *annual reporting and recertification as required by the*
13 *department. The department shall establish a payment system to*
14 *accommodate upfront payments.* The department shall notify new
15 grantees, whose grant awards are contingent upon the
16 appropriation of funds for those grants, in writing no later than
17 June 15 of each year in which new grants are awarded. A first
18 year grant award shall be made no later than 60 days after
19 enactment of the annual Budget Act and any authorizing
20 legislation. A grant award for the second and subsequent fiscal
21 years shall be made no later than 30 days after enactment of the
22 annual Budget Act and any authorizing legislation. The grantee
23 shall notify the department in writing of its acceptance of the
24 grant.

25 (B) For the first year of a grant, the department shall allocate
26 15 percent of the grant for that year no later than 30 days after
27 the grantee accepts the grant. For the second and subsequent
28 years of the grant, the department shall allocate 15-percent of the
29 grant for that year no later than 30 days after the annual Budget
30 Act becomes effective. ~~This 15 percent amount is to be used by a~~
31 ~~grantee for administrative costs and need not be earned through~~
32 ~~pupil attendance.~~

33 ~~(C) In addition to the funding allocated pursuant to~~
34 ~~subparagraph (B), up to 15 percent of the initial annual grant~~
35 ~~award for each core grant recipient may be utilized for startup~~
36 ~~costs, which funding need not be earned through pupil~~
37 ~~attendance.~~

38 ~~(D)~~

39 (C) Under no circumstance shall funding made available
40 pursuant to ~~subparagraphs (B) and (C)~~ *subparagraph (B)* result in

1 an increase in the total funding of a grantee above the approved
2 grant amount.

3 ~~(E) Payments to a grantee shall be based on quarterly pupil~~
4 ~~attendance and expenditure reports, as required by the~~
5 ~~department. If a report is submitted to the department in a timely~~
6 ~~manner, payments to a grantee based on that report shall be~~
7 ~~issued within 30 days if its receipt.~~

8 ~~(8)~~

9 (3) A grantee shall identify the federal, state, and local
10 programs that will be combined or coordinated with the proposed
11 program for the most effective use of public resources, and shall
12 prepare a plan for continuing the program beyond federal grant
13 funding.

14 ~~(9)~~

15 (4) A grantee shall submit ~~annual~~ *quarterly* attendance data
16 and results to facilitate evaluation and compliance in accordance
17 with provisions established by the department.

18 ~~(10)~~

19 (5) A program receiving a grant under this subdivision is not
20 assured of grant renewal from future state or federal funding at
21 the conclusion of the grant period.

22 (g) A total annual grant award for core funding and direct
23 grants for a site serving elementary or middle school pupils shall
24 be fifty thousand dollars (\$50,000) per year or more, consistent
25 with federal requirements.

26 (h) Grants for programs serving high school pupils at
27 schoolsites or sites of other organizations, as determined to be
28 eligible by the department and consistent with the provisions of
29 the 21st Century Community Learning Centers program, shall be
30 available as an annual minimum grant of fifty thousand dollars
31 (\$50,000) per year. Grant funding above the minimum shall be
32 ~~determined in proportion to the average daily attendance of the~~
33 ~~high school program site or sites to be served and other~~ *by* factors
34 including, but not limited to, proposed attendance and effective
35 use of resources as determined by the department up to two
36 hundred fifty thousand dollars (\$250,000) per year for five years.
37 A grantee that establishes a high school program pursuant to this
38 subdivision shall be subject to annual reporting and
39 recertification as required by the department. After the second
40 year, the department shall reduce funding of programs in which

1 actual attendance is significantly below proposed attendance
2 levels. An evaluation of the program funded pursuant to this
3 subdivision shall be submitted no later than 180 days after the
4 completion of the second year of the program. The department
5 shall provide the results of that evaluation and work with the
6 Legislature, the Department of Finance, program providers, and
7 other interested parties to adopt or restructure a high school after
8 school program for California that is both programmatically and
9 fiscally sound. Grantees shall be eligible for fourth and fifth year
10 funding consistent with the restructured requirements. Each
11 grantee shall be required to identify the federal, state, and local
12 programs that will be combined or coordinated with the proposed
13 program for the most effective use of public resources and to
14 describe a plan for continuing the program beyond federal grant
15 funding. Grantees shall be required to submit annual attendance
16 data results to facilitate evaluation and compliance with
17 provisions established by the department. Programs receiving
18 grants under this subdivision are not assured of grant renewal
19 from future state or federal funding at the conclusion of the grant
20 period.

21 (i) Notwithstanding any other provision of law, and contingent
22 upon the availability of funding, the department may adjust the
23 core grant cap of any grantee based upon one or both of the
24 following:

25 (1) Amendments made to this section by the act that added this
26 subdivision Chapter 555 of the Statutes of 2005.

27 (2) The demonstrated ~~historical earning~~ *pupil attendance*
28 *pattern of the grantee. The department may adjust grant awards*
29 *pursuant to subparagraph (A) of paragraph (1) of subdivision (a)*
30 *of Section 8483.7. If an adjustment based upon the demonstrated*
31 ~~historical earning pattern of the grantee results in a reduction,~~
32 ~~that adjustment shall be based upon at least two years of~~
33 ~~historical earning pattern data for the affected grantee.~~

34 (j) Funds received but unexpended under this article may be
35 carried forward to subsequent years consistent with federal
36 requirements. In year one, the full grant may be retained.

37 (k) *If funds remain after all of the priority allocations required*
38 *pursuant to subdivisions (b), (c), and (d) have been made, the*
39 *department may use that money to fund additional qualified*
40 *grant applications under those provisions, in order to ensure that*

1 *all federal funds received for these purposes are expended for*
2 *these purposes.*

3 ~~(k)~~

4 *(l) This article shall be operative only to the extent that federal*
5 *funds are made available for the purposes of this article. It is the*
6 *intent of the Legislature that this article not be considered a*
7 *precedent for general fund augmentation of either the state*
8 *administered, federally funded program of this article, or any*
9 *other state funded before or after school program.*

10 *SEC. 26. The Legislature finds and declares that this act*
11 *furtheres the purposes of the After School Education and Safety*
12 *Program Act of 2002.*

13 *SEC. 27. The costs incurred as a result of the amendments to*
14 *the After School Education and Safety Program Act of 2002*
15 *made by this act shall be funded only from appropriations made*
16 *pursuant to Section 8483.5 of the Education Code.*

17
18
19 **All matter omitted in this version of the bill**
20 **appears in the bill as amended in**
21 **Assembly, February 21, 2006 (JR11)**
22